



REGISTRAR OF REGULATIONS

04 DEC 15 PM 1:26

COMMONWEALTH of VIRGINIA

Department of Health
DIVISION OF SHELLFISH-SANITATION
109 Governor Street, Room 614-B
Richmond, VA 23219

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NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 033-038, BROAD CREEK – MIDDLESEX COUNTY

EFFECTIVE 30 DECEMBER 2004

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §9-6.14:4.1, B.16 of the *Code of Virginia*.

1. The "Notice and Description of Shellfish Area Condemnation Number 38, Broad Creek – Middlesex County," effective 3 December 1993, is cancelled effective 30 December 2004.
2. The "Notice of Establishment and Description of Seasonally Condemned Shellfish Area at Marina Facility Designation M-116, Middlesex County," effective 13 April 1989 is cancelled effective 30 December 2004.
3. Condemned Shellfish Area Number 033-038, Broad Creek – Middlesex County, is established, effective 30 December 2004, and shall consist of Sections A, B, C, and M1 as described below. As to Section A, it shall be unlawful for any person, firm, or corporation to take shellfish from this area, for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the *Code of Virginia*. As to Sections B and C, it shall be unlawful for any person, firm or corporation to take shellfish from these areas, for any purpose. The boundaries of these sections are shown on the map titled "Broad Creek – Middlesex County, Condemned Shellfish Area Number 033-038, 30 December 2004" which is part of this notice.
4. The seasonal shellfish condemnation area Number 033-038 shown at Section M1 is hereby established, effective 1 April 2005, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It is unlawful for any person, firm or corporation to take shellfish from this area during such period for any purpose, except by permit granted by Marine Resources Commission, as provided in §28.2-810 of the *Code of Virginia*. The boundary of this Section is shown on the map titled "Broad Creek – Middlesex County, Condemned Shellfish Area Number 033-038, 30 December 2004" which is part of this notice.

5. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

BOUNDARIES OF CONDEMNED AREA NUMBER 033-038

- A. The condemned area shall include all of that portion of Broad Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°33'40.0", -76°18'56.3") and map coordinate (37°33'43.5", -76°18'47.2"), but excluding the areas defined as Sections B and C.
- B. The condemned area shall include all of that portion of Broad Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°33'34.6", -76°18'50.3") and map coordinate (37°33'34.2", -76°18'45.4").
- C. The condemned area shall include all of that portion of Broad Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°33'44.8", -76°18'34.0") and map coordinate (37°33'42.5", -76°18'34.2").
- M1. The condemned area shall include all of that portion of Broad Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°33'48.0", -76°19'09.6") and map coordinate (37°33'47.1", -76°18'37.7"), but excluding the areas defined as Sections A, B and C.

Recommended by:



Director, Division of Shellfish Sanitation

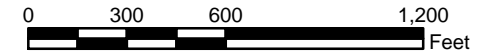
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


State Health Commissioner

12/14/2008
Date

Virginia Department of Health
Broad Creek - Middlesex County
Condemned Shellfish Area Number 033-038
December 30, 2004



-  Condemned Shellfish Area (Sections A)
-  Condemned Shellfish Areas (Sections B & C)
-  Seasonally Condemned Shellfish Area (Section M1)

